Supreme Court, U.S.
FILED
MAY 3 1988
JOSEPH F. SPANIOL, JR.
CLERK

No. 87-996

IN THE

Supreme Court of the United States

OCTOBER TERM, 1987

COIT INDEPENDENCE JOINT VENTURE,
Petitioner,

v.

THE FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION,
AS RECEIVER OF FIRST SOUTH, F.A.,
Respondent.

**On Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

BRIEF AMICUS CURIAE OF JOSEPH M. HUDSPETH IN SUPPORT OF PETITIONER

WYLENE W. DUNBAR
Counsel of Record
JACK F. DUNBAR
HOLCOMB, DUNBAR, CONNELL,
CHAFFIN & WILLARD
Post Office Drawer 707
Oxford, Mississippi 38655
(601) 234-8775

Attorneys for Amicus Curiae

WILSON - EPES PRINTING CO., INC. - 789-0096 - WASHINGTON, D.C. 20001

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTEREST OF AMICUS CURIAE	1
SUMMARY OF ARGUMENT	2
ARGUMENT	3
I. A FUNDAMENTAL BASIS FOR THE FIFTH CIRCUIT'S ADOPTION OF THE RULE APPLIED IN THIS CASE HAS BEEN DEMONSTRATED TO BE ERRONEOUS	3
A. The Judgment In The Instant Case Was Based On The Fifth Circuit's Holding In *Hudspeth*	3
B. The Fifth Circuit's *Hudspeth* Decision Was Reached, In Part, On That Court's Assumption That Adjudication Of Claims By the FSLIC, as Receiver, Would Expedite Claim And Receivership Disposition	5
C. Mr. Hudspeth's Actual Experience With The FSLIC "Adjudication" Process Following That Ruling Demonstrates That Assumption To Be Erroneous	6
II. SINCE THE JUDGMENT BELOW WAS BASED ON THE FIFTH CIRCUIT'S ORIGINAL RULING IN *HUDSPETH* AND SINCE THAT RULING WAS BASED ON AN INCORRECT ASSUMPTION, THE JUDGMENT BELOW SHOULD BE REVERSED	8
CONCLUSION	8
APPENDIX	1a

TABLE OF AUTHORITIES

CASES Page

North Mississippi Savings & Loan Association v. Hudspeth, 756 F.2d 1096 (5th Cir. 1985), *cert. denied*, 474 U.S. 1054 (1986) 1, 2, 3, 4, 5
North Mississippi Savings & Loan Association v. Hudspeth, No. 85-294 (5th Cir. Apr. 5, 1985), *reh'g granted*, 756 F.2d 1096 3

REGULATIONS

Conservators and Receivers: Interim Procedures, 53 Fed. Reg. 13105 (1988) 8

LEGISLATIVE HISTORIES

S. Rep. No. 1263, 90th Cong., 2d Sess. 10, *reprinted in* 1968 U.S. Code Cong. & Ad. News 2530 4
S. Rep. No. 1482, 89th Cong., 2d Sess. 1, *reprinted in* 1966 U.S. Code Cong. & Ad. News 3532 4
S. Rep. No. 536, 97th Cong., 2d Sess. 48, *reprinted in* 1982 U.S. Code Cong. & Ad. News 3054 4
78 Cong. Rec. H11192 (daily ed. June 12, 1934) 4

IN THE

Supreme Court of the United States

OCTOBER TERM, 1987

No. 87-996

COIT INDEPENDENCE JOINT VENTURE,
Petitioner,

v.

THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION,
AS RECEIVER OF FIRST SOUTH, F.A.,
Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

---

BRIEF AMICUS CURIAE OF JOSEPH M. HUDSPETH IN SUPPORT OF PETITIONER

INTEREST OF AMICUS CURIAE

Joseph M. Hudspeth was the defendant-appellant in the case of *North Mississippi Savings & Loan Association v. Hudspeth*, 756 F.2d 1096 (5th Cir. 1985), *cert. denied*, 474 U.S. 1054 (1986). That case was the first to address the issue raised in the case at bar: the authority of FSLIC, as Receiver, to adjudicate state law claims

against savings institutions in receivership. As a result of the Fifth Circuit's 1985 decision in *Hudspeth*, Mr. Hudspeth's legal claims were deferred to the FSLIC administrative forum, where they are still pending three years later. Mr. Hudspeth's state law claims remain viable under Mississippi law regarding limitations of actions. Accordingly, if Petitioner herein prevails, Mr. Hudspeth could pursue speedy judicial determination of those claims.

SUMMARY OF ARGUMENT

The questions presented here were first addressed in the case of *North Mississippi Savings & Loan v. Hudspeth*, 756 F.2d 1096 (5th Cir. 1985), *cert. denied*, 474 U.S. 1054 (1986). In holding that the FSLIC, as Receiver, has the exclusive authority to adjudicate state law claims against a savings institution in receivership, the Fifth Circuit Court of Appeals relied on its assumption that FSLIC adjudication of claims would expedite and facilitate resolution of those claims and the disposition of Receiverships. 756 F.2d at 1102. The identical result reached by the Fifth Circuit in the instant case was reliant on its earlier decision and assumption in *Hudspeth*.

Subsequent to the Fifth Circuit's ruling in *Hudspeth*, Amicus Curiae Joseph M. Hudspeth, the defendant-appellant there, has had the opportunity to test the validity of that assumption. Mr. Hudspeth submitted his Proof of Claim to the FSLIC on November 30, 1985. As of this date, he has not received the FSLIC's Receiver's Initial Determination. Thus, two and one-half years have elapsed, and Mr. Hudspeth is still at the relative beginning of the administrative process.

Therefore, one of the premises necessary to the Fifth Circuit's decision in *Hudspeth* is erroneous. Accordingly, the Fifth Circuit's decision in *Hudspeth* is unsound and, likewise its progeny, the instant case.

ARGUMENT

Whether the FSLIC, as Receiver, has the exclusive authority to adjudicate the validity of state law claims against a savings institution in receivership was first addressed in *North Mississippi Savings & Loan Association v. Hudspeth*, 756 F.2d 1096 (5th Cir. 1985), *cert. denied*, 474 U.S. 1054 (1986). The Fifth Circuit initially decided in favor of Mr. Hudspeth and held that Congress had given no such exclusive grant to the FSLIC:

> Nothing in the relevant statutes or legislative history indicates that the FSLIC has the power to adjudicate claims . . . .
>
> * * * *
>
> . . . [If] an action is based on the pre-receivership conduct of the failed institution, the debt due may be judicially established. . . .
>
> . . . Therefore, Hudspeth's demand for judicial establishment of Old North's obligation to him, should he wish to proceed with it, should be remanded to state court.

North Mississippi Savings & Loan Association v. Hudspeth, No. 85-294, slip. op. at 3485, 3486-87 (5th Cir. Apr. 5, 1985), *reh'g granted*, 756 F.2d 1096.[1]

On Petition for Rehearing, the FSLIC argued that the Fifth Circuit's decision would cause economic harm to FSLIC because of the delays encountered in adjudicating claims in state courts. Specifically, it contended that:

> Under the Court's ruling, adjudications of these claims may be inordinately delayed because damage

---

[1] The initial opinion of the Fifth Circuit no longer appears in the Federal Reporter. However, a copy of the decision in its entirety is reprinted in Petition for Writ of Certiorari, Appendix B, *North Mississippi Savings & Loan Association v. Hudspeth*, 756 F.2d 1096, *cert. denied*, 474 U.S. 1054 (1986) (Docket No. 85-294).

> claims against the receivership estate could be presented to state or federal courts, instead of to the receiver, for initial adjudication of their validity. . . . Under this scheme, many claims filed in 1985 might be resolved ultimately in the next century.

Plaintiffs-Appellees' Petition for Rehearing, at pp. 11-12, *North Mississippi Savings & Loan Association v. Hudspeth*, 756 F.2d 1096 (5th Cir. 1985) (footnote omitted).

If Mr. Hudspeth had only begun the administrative process in April 1983, the FSLIC further noted, "it is likely that his claim would already be resolved." [2] *Id.* at 12 n.7.

FSLIC further asserted that, contrary to the Fifth Circuit's initial holding, there was legislative history supporting adjudicatory power for the FSLIC. *Id.* at pp. 7, 8.

Without permitting a response brief from Mr. Hudspeth, the Fifth Circuit revised its opinion. On May 23, 1985, the Court granted the Petition for Rehearing and issued its revised opinion now appearing at 756 F.2d 1096.

In support of its revision, the Fifth Circuit relied on two premises which do not appear in its original decision. First of all, it changed its earlier view and accepted the contention that legislative history supported the grant of adjudicatory authority. That premise could

---

[2] This argument made in April 1985, has also been demonstrated to be without merit. Two and one-half years into the process, Mr. Hudspeth is still far from having his claim resolved. On the other hand, in April 1983, discovery in the state court proceedings was near completion. The Lafayette County, Mississippi Chancery Court does not suffer from a congested docket. A trial setting for that Summer, or early Fall, was a certainty. Even if that court's judgment were subsequently appealed, such an appeal would surely have reached resolution long before 1988.

be, and was, shown to be mistaken at the time of the Court's decision.[3]

Secondly, the Court relied on its assumption that allowing FSLIC, as Receiver, to adjudicate claims would expedite claim resolution as well as the disposition of receiverships:

> [R]esolution of even the facial merits of claims outside of the statutory reorganization process would delay the receivership function of distribution of assets: The FSLIC would not be able to determine how much to pay other claimants until determination of the parallel litigation. Given the overriding Congressional purpose of expediting and facilitating the FSLIC's task as Receiver, such a delay is a "restraint" within the scope of the statute.

756 F.2d at 1102.

That assumption was not demonstrably erroneous at the time the *Hudspeth* decision was rendered, inasmuch as the FSLIC, as Receiver, had never previously adjudicated such claims.

Mr. Hudspeth, in claim No. 00-001-0001, has now tested in real life this second premise of the Fifth Cir-

---

[3] The Court relied on the 1968 history of the Bank Protection Act, 756 F.2d at 1101 (citing S. Rep. No. 1263, 90th Cong., 2d Sess. 10, *reprinted in* 1968 U.S. Code Cong. & Admin. News 2530, 2539) That history, however, was not the correct history for the determination of the Congressional intent underlying 12 U.S.C. §§ 1464 (d)(6)(c) and 1729(d). Instead, the legislative histories pertaining to the enactment of those statutes, in the form considered by the Court, appear at S. Rep. No. 1482, 89th Cong., 2d Sess. 1, *reprinted in* 1966 U.S. Code Cong. & Ad. News 3532 and S. Rep. No. 536, 97th Cong., 2d Sess. 48, *reprinted in* 1982 U.S. Code Cong. & Ad. News 3054, respectively. *See also* 78 Cong. Rec. H11192 (daily ed. June 12, 1934). Neither of the pertinent histories supports grant of adjudicatory power to the FSLIC, as Receiver. Mr. Hudspeth identified the Fifth Circuit's mistake in this regard in his subsequent petition to this Court. *See* Reply Brief of Petitioner, On Petition for Writ of Certiorari, at p. 3, *Hudspeth*.

cuit's revised opinion. His experience shows that the Fifth Circuit's assumption simply does not coincide with reality.

As the first step in the administrative process, Mr. Hudspeth submitted a "proof of claim" on November 27, 1985.[4] (App., pp. 1a-4a). As instructed by the form, the claim was forwarded to the attention of Mr. John Sears, Claims Representative. On December 4, 1985, Mr. Hudspeth wrote Mr. Sears requesting a hearing on his claim before any final determination was made. (App., p. 6a). He received no response and no hearing has ever been conducted.

The next communication Mr. Hudspeth received regarding his claim came almost seventeen (17) months later. On May 1, 1987, the Receiver issued its "Notice of Record" (App., p. 7a). Attached to the Notice was an index of the three-volume administrative record that had been compiled.[5]

Volume 1 of the record consists of the materials submitted by Mr. Hudspeth in November 1985. Volume 2 contains four summaries of interviews apparently conducted after the filing of Mr. Hudspeth's claim. Those summaries account for six pages of the record. Otherwise, Volume 2 consists of letters, notes and reports from the files of North Mississippi Savings & Loan Associa-

[4] Under protest, Mr. Hudspeth was required by the Receiver to submit his claim before the subsequent disposition of his Petition for Writ of Certiorari on January 13, 1986. The "proof of claim" form was mailed to Mr. Hudspeth without any other procedural or evidentiary guidelines by FHLBB attorney, Paul Grace. Grace had served as lead counsel arguing Appellees' position in oral argument in the Fifth Circuit.

[5] This index is part of the Administrative Record compiled in Mr. Hudspeth's claim No. 00-001-0001. Mr. Hudspeth assumes that the index, as well as the entire record, is a public record and remains available for inspection and copying at the address given in the Notice. (App., p. 7a).

tion, most of which had been produced in 1982 and 1983 during the course of discovery in the state court proceedings. Volume 3 of the record consists entirely of state court pleadings from both *Hudspeth* and the proceedings establishing the FSLIC's Receivership of North Mississippi Savings & Loan Association.

Thus, with the exception of four rather short interviews, all of the material in the record designated in May 1987 was available, and accounted for, when Mr. Hudspeth filed his claim in November 1985, one and one-half years before.

With permission from the Receiver, Mr. Hudspeth filed his supplementation of the Administrative Record on July 2, 1987, acknowledged by the Receiver on July 6, 1987. (App., p. 9a).

Almost six months then passed without further contact from the FSLIC. Then, on December 24, 1987, the Receiver issued its "Notice of Proposed Determination," disallowing Mr. Hudspeth's claim in full. (App., p. 10a).

Attached to the notice was a fifteen-page document in the nature of a "Findings of Fact and Conclusions of Law." The document was entitled "Proposed Determination," and signed by Mr. Sears as Special Representative for the FSLIC Receiver.

On March 3, 1988, Mr. Hudspeth filed a Request for Reconsideration[6] (App., p. 12a). Attached as exhibits to his request were Mr. Hudspeth's "Objections to Findings of Fact in Receiver's Proposed Determination" (ten pages) and his "Proposed Alternative Determination" (thirty-five pages).

At the same time, Mr. Hudspeth wrote Mr. Sears, asking again for a hearing on his claim. He further noted

[6] Mr. Hudspeth had asked for, and received an extension of the time provided for submitting this Request from January 24, 1988 until March 4, 1988.

that he had requested, but never received any sort of written procedures, rules or regulations as a guideline in submitting his claim. Mr. Sears responded on March 7, 1988, by forwarding a copy of *Procedures for the Administration and Determination of Claims Filed with the Receiver.*[7] (App., p. 13a).

As of May 2, 1988, Mr. Hudspeth's Request for Reconsideration is still pending, and the Receiver has not yet issued its "Initial Determination."

Two and one-half years, therefore, have now passed since Mr. Hudspeth began the administrative "adjudication" that the Fifth Circuit assumed would avoid delay. However, Mr. Hudspeth is still in the initial stages of what truly looks to be a process "ending ultimately in the next century."

Contrary to the assumption made by the Fifth Circuit, permitting the FSLIC to assume an adjudicatory role with regard to state law claims clearly does not expedite and facilitate the disposition of claims of the Receivership. Since that assumption was one of the major premises upon which the Fifth Circuit revised its initial ruling, the holding embodied in its revised opinion is rendered highly suspect.

CONCLUSION

Mr. Hudspeth respectfully requests that this Court reverse the judgment rendered by the United States Court of Appeals for the Fifth Circuit in this case and overrule the *Hudspeth* decision. The Fifth Circuit's reliance in this case on the *Hudspeth* Court's reasoning regarding expeditious claim resolution can find solid foundation

[7] A later comparison of the procedures sent with those published in the Federal Register shortly thereafter showed the copy sent by Sears to be different from those actually adopted. *See* Appendix-Procedures for the Administration and Determination of Claims filed with the FSLIC as Receiver, Conservators and Receivers: Interim Procedures, 53 Fed. Reg. 13105 (1988).

only if such can be found underlying the *Hudspeth* decision. It cannot. The relegation of Mr. Hudspeth's state law claims to FSLIC adjudication has shown that process, contrary to the assumption in *Hudspeth*, to be an administrative slough, "expedient" only in slowly swallowing claims until they must finally, and surely, disappear.

Respectfully submitted,

WYLENE W. DUNBAR
Counsel of Record
JACK F. DUNBAR
HOLCOMB, DUNBAR, CONNELL,
CHAFFIN & WILLARD
Post Office Drawer 707
Oxford, Mississippi 38655
(601) 234-8775
Attorneys for Amicus Curiae

APPENDIX

APPENDIX

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER FOR NORTH MISSISSIPPI SAVINGS AND LOAN ASSOCIATION, OXFORD, MISSISSIPPI

PROOF OF CLAIM

1. *Claimant.* [If claimant is an individual claiming for himself] The address for the undersigned, who is the claimant herein, is *208 Country Club Road, Oxford, Mississippi 38655.*

[If claimant is a partnership claiming through a partner] The undersigned, whose business address is ———, is a general partner of ———, a partnership, and the partnership is doing business at ——— and the undersigned is authorized to make this proof of claim on behalf of the partnership which is the claimant.

[If claimant is a corporation claiming through an authorized officer] The undersigned whose business address is ———, is the ——— of ———, and the address of the corporation is ——— and the undersigned is authorized to make this proof of claim on behalf of the corporation which is the claimant.

[If claim is made by agent] The undersigned, whose business address is ———, is the agent of ———, and is authorized to make this proof of claim on behalf of the principal which is the claimant.

2. *Amount of Claim.* North Mississippi Savings and Loan Association, Oxford, Mississippi, ("North Mississippi") was on April 11, 1983, and still is indebted, or liable, to this claimant in the sum of $ [*See attachment designated "Amount of Claim"*]

3. *Consideration for Claim.* The consideration for this debt, or the ground of liability, is as follows:

[*See attachment designated "Consideration for Claim* (please attach additional pages if necessary). *and Ground of Liability".*]

4. *Written Evidence of Claim if claim is founded on a writing.* The writing on which this claim is founded or an authentic duplicate thereof is attached hereto or cannot be attached for the reason set forth in a statement attached hereto.

[See attachment designated "Contractual Writings"]

5. *Claim on Open Account if claim is founded on an open account.* This claim is founded on an open account, which became, or will become due on ———, as shown by the itemized statement attached hereto. Unless, it is attached hereto or its absence is explained in an attached statement, no note or other negotiable instrument has been received for the account or any part of it.

6. *Judicial Proceedings.* No judgment has been rendered on the claim except [*See attached sheet designated "Judicial Proceedings"*]

7. *Credits.* The amount of all payments on this claim has been credited and deducted for the purchase [sic] of making this proof of claim.

8. *Absence of Setoff or Counterclaim.* This claim is not subject to any setoff or counterclaim except as may be described in a statement attached hereto.

9. *Absence of Security Interest.* No security interest is held for this claim except as may be described in a statement attached hereto. The undersigned claims the security interest under the writing referred to in paragraph 4 hereof or under a separate writing a duplicate of which is attached hereto, or under a separate writing which cannot be attached hereto for the reason set forth in a statement attached hereto. Evidence of perfection, if

any, of such security interest is also attached hereto. [See "*" below]

10. *General, Unsecured Nature of Claim.* This claim is a general, unsecured claim, except to the extent that the security interest, if any, described in paragraph 9 is sufficient to satisfy the claim. [See "*" below]

This claim is filed as a (n) unsecured,* secured, priority [*strike whichever terms are inappropriate*] claim.

Dated: November 27, 1985

/s/ Joseph M. Hudspeth
Signature of Claimant

THE PENALTY FOR MAKING ANY STATEMENT KNOWN TO BE FALSE FOR THE PURPOSE OF INFLUENCING IN ANY WAY THE ACTION OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION IS A FINE OF NOT MORE THAN $5,000.00 OR IMPRISONMENT FOR NOT MORE THAN TWO YEARS, OR BOTH. 18 U.S.C. § 1008.

THE PRIORITY OF THIS CLAIM WILL BE DETERMINED IN ACCORDANCE WITH 12 C.F.R. § 569a.7. ALLOWANCE AND PAYMENT OR DISALLOWANCE OF THIS CLAIM WILL BE MADE IN ACCORDANCE WITH 12 C.F.R. 569a.8. THESE REGULATIONS ARE INCORPORATED HEREIN BY REFERENCE.

THIS PROOF OF CLAIM MUST BE SUBMITTED ON OF BEFORE SEPTEMBER 19, 1985** TO FEDERAL

---

* Under the laws of Mississippi, Mr. Hudspeth's claim does impose an equitable lien on the assets of Old North which follows the assets to subsequent transferees in interest, as more fully set forth in the attachments hereto.

** This deadline was extended to November 30, 1985. (See letter of September 19, 1985, to Wylene W. Dunbar, Esq., from Paul W. Grace) (copy attached).

SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER FOR NORTH MISSISSIPPI SAVINGS AND LOAN ASSOCIATION, OXFORD, MISSISSIPPI, ATTN: CLAIMS REPRESENTATIVE, 1700 G STREET, N.W., WASHINGTON, D.C. 20552. IF ADDITIONAL SPACE IS REQUIRED TO RESPOND COMPLETELY TO ANY ITEM, PLEASE ATTACH ANY ADDITIONAL STATEMENTS, SCHEDULES, APPENDICES, EXHIBITS, OR MATERIAL.

[For FSLIC Use Only]

Claim No. ——— Received: ———

Claims Representative: John Sears

(02/0023)

HOLCOMB, DUNBAR, CONNELL,
CHAFFIN & WILLARD

A PROFESSIONAL ASSOCIATION
Attorneys at Law
1217 Jackson Avenue
Post Office Drawer 707
Oxford, Mississippi 38655
601-234-8775

December 4, 1985

Mr. John Sears
Claims Representative
FSLIC
1700 G Street, N.W.
Washington, D.C. 20552

Re: Claim of Joseph M. Hudspeth

Dear Mr. Sears:

Enclosed please find the Affidavit of Lee Duddleston, to which I referred in our phone conversation on Monday, December 2, 1985. Please insert the Affidavit in the "Proof of Claim" notebook that I have previously forwarded to you, under the divider already designated as "Affidavit of Lee Duddleston."

As I discussed with you on Monday, because Mr. Duddleston expanded upon the content of his Affidavit after I had already submitted the Proof of Claim to you, an amendment to the "Consideration for Claim and Ground of Liability" is necessary. In particular, I have amended page 6 of that document to reflect the facts set forth in Mr. Duddleston's Affidavit. I am enclosing the amended page for your convenience in replacing the page 6 previously sent.

Also, as I told you on Monday, I do not believe it is mentioned anywhere in the "Proof of Claim" that

Charlie Sullivan, Chairman of the Board in 1977, died in a plane crash in 1979. Mr. Rogers' Affidavit mentions the death of Mr. Savoy in a plane crash later that year.

Also, this letter formally advises you, as we discussed on Monday, that Mr. Hudspeth desires a hearing on his claim before any final determination by you is made. Please let me know if you are willing to grant this request and, if so, when we might have the hearing.

Please let me know if you would like to have any further information or documentation concerning Mr. Hudspeth's claims.

Yours very truly,

/s/ Wylene W. Dunbar
WYLENE W. DUNBAR
WWD:stk
CC: Mr. Paul Grace
Mr. George Fair

Date of Notice: May 1, 1987

Claim No. 00-001-0001

NOTICE OF RECORD

The Federal Savings and Loan Insurance Corporation as Receiver for North Mississippi Savings & Loan Association ("Receiver"), hereby notifies you of the compilation of the administrative record with respect to your claim. Those documents, statements and other writings or materials that are to be made at part of the administrative record are detailed in the index attached hereto. The administrative record will be made available to you at a reasonable time and upon reasonable notice for inspection and copying at your expense at the following location:

Federal Home Loan Bank Board
1700 G Street, N.W.—4th floor, Claims
Washintgon, D.C. 20552

You are requested to provide, within 30 days of the date of this notice, any additional documents, statements, written information or other materials you feel should be included in the administrative record. After such time, the administrative record shall be considered complete.

IN THE EVENT OF AN ADVERSE DETERMINATION BY THE RECEIVER, THE ADMINISTRATIVE RECORD WILL BE THE SOLE BASIS FOR APPEAL AND REVIEW. THEREFORE, YOU SHOULD MAKE SURE THAT THE ADMINISTRATIVE RECORD CON-

TAINS EVERYTHING NECESSARY FOR THE DETERMINATION ON THE MERITS OF YOUR CLAIM.

THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER FOR NORTH MISSISSIPPI SAVINGS & LOAN ASSOCIATION, OXFORD, MISSISSIPPI

By /s/ John Sears
JOHN SEARS

(Attachment)

FEDERAL HOME LOAN BANK BOARD
1700 G Street, N.W.
Washintgon, D.C. 20552

Federal Home Loan Bank System
Federal Home Loan Mortgage Corporation
Federal Savings and Loan Insurance Corporation

July 6, 1987

Ms. Wylene W. Dunbar
Holcomb, Dunbar, Connell, Chaffin
& Willard
Attorneys at Law
1217 Jackson Avenue
Post Office Drawer 707
Oxford, Mississippi 38655

Dear Ms. Dunbar:

This is to acknowledge receipt of your letter with enclosures dated July 2, 1987 concerning the claim of Joseph M. Hudspeth. For any further information regarding this claim, please contact Doris Garrett of this office.

Sincerely,

/s/ John W. Sears
JOHN W. SEARS
OLD/FSLIC

cc: Doris Garrett

Date of Notice: 12/24/87

Claim No.: 00-001-0001

NOTICE OF PROPOSED DETERMINATION

The Federal Savings and Loan Insurance Corporation as Receiver for North Mississippi Savings & Loan Association ("Receiver") hereby notifies you that after review of your claim, including the administrative record, the Receiver proposed to reach the following determination:

☐ Allowance in full

☐ Partial Allowance/Disallowance

☒ Disallowance in full

Proposed findings of fact and conclusions of law are attached hereto, and, in the event you do not file a written request for reconsideration as described below, will constitute the Receiver's Initial Determination of your claim.

YOU HAVE 30 DAYS FROM THE DATE OF THIS NOTICE TO FILE A WRITTEN REQUEST FOR RECONSIDERATION WITH THE RECEIVER. A request for reconsideration must state the specific grounds for any objections you may have to the proposed findings of fact or conclusions of law. You may also present alternate proposed findings of fact or conclusions of law. The Receiver will reply to any objections you may have to the proposed findings of fact and conclusions of law or any alternate proposed findings of fact or conclusions of law which have been timely filed, and issue its determination of your claim (the "Initial Determination") upon the completion of its review. In the event of an adverse determination by the Receiver, you will be given an opportunity to appeal the Receiver's Initial Determination within 60 days of the date of such notice of disallowance.

THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER FOR NORTH MISSISSIPPI SAVINGS & LOAN ASSOCIATION, OXFORD, MISSISSIPPI

By: /s/ John W. Sears
JOHN SEARS
Special Representative

JOSEPH M. HUDSPETH
Claim #: 00-001-0001

TO: FSLIC as Receiver for North Mississippi
Savings & Loan Association

ATTN: John W. Sears, Special Representative

Request for Reconsideration

Joseph M. Hudspeth hereby requests reconsideration of the Receiver's Proposed Determination regarding Claim No. 00-001-0001 filed by Mr. Hudspeth of December 24, 1987.

Mr. Hudspeth further objects to certain findings of fact and conclusions of law in said Determination as more specifically set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Mr. Hudspeth further submits herewith his Proposed Alternative Determination, including alternative findings of fact and conclusions of law as set forth in Exhibit "B" attached hereto and incorporated herein by reference.

Respectfully submitted, this 3d day of March, 1988.

/s/ Joseph M. Hudspeth
JOSEPH M. HUDSPETH

/s/ Wylene W. Dunbar
WYLENE W. DUNBAR
Attorney for Mr. Hudspeth

Of Counsel:

Holcomb, Dunbar, Connell,
Chaffin & Willard
Post Office Drawer 707
Oxford, Mississippi 38655
(601) 234-8775

FEDERAL HOME LOAN BANK BOARD
1700 G Street, N.W.
Washington, D.C. 20552

Federal Home Loan Bank System
Federal Home Loan Mortgage Corporation
Federal Savings and Loan Insurance Corporation

March 7, 1988

Wylene W. Dunbar
Holcomb, Dunbar, Connell, Chaffin & Willard
1217 Jackson Avenue
Post Office Drawer 707
Oxford, Mississippi 38655

Dear Ms. Dunbar:

Your letter of March 3, 1988 submitting Mr. Hudspeth's Request for Reconsideration indicated that you do not have a copy of the FSLIC's guidelines for processing administrative claims. Enclosed please find a copy of the *Procedures for the Administrative and Determination of Claims Filed with the FSLIC As Receiver.* These procedures were signed by the Director, OFSLIC on August 29, 1986 and are expected to be incorporated into the Code of Federal Regulations shortly.

Sincerely,

/s/ John W. Sears
JOHN W. SEARS
Special Representative
FSLIC as Receiver for
North Mississippi Savings
and Loan Association

Enclosure

cc: George Fair